

• AO 120 (Rev. 2/99)

TO:	Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450 or Commissioner of Trademarks P.O. Box 1451 U.S. PATENT & TRADEMARK OFFICE Alexandria, VA 22313-1451	SOLICITOR JUL 23 2007	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Colorado on the following

DOCKET NO. 07-cv-01052-EWN-BNB	DATE FILED 5/18/2007	U.S. DISTRICT COURT FOR THE DISTRICT OF COLORADO
PLAINTIFF RAY ALLEN MANUFACTURING, LLC, ET AL.		DEFENDANT RADIOTRONICS, INC.
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK
1 7,081,811		Please see copy of Complaint attached hereto
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3		
4		
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT <i>Notice of Dismissal</i>
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CLERK GREGORY C. LANGHAM	(BY) DEPUTY CLERK <i>G. Lewis</i>	DATE 7-19-2007
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-01052-EWN-BNB

RAY ALLEN MANUFACTURING, LLC, a Delaware limited liability company,
FWH, INC. f/k/a RAY ALLEN MANUFACTURING CO., INC., a Colorado corporation,

Plaintiffs,

v.

RADIOTRONICS, INC.,

Defendant.

PLAINTIFFS' NOTICE OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a), Plaintiffs Ray Allen Manufacturing, LLC and FWH, Inc., formally known as Ray Allen Manufacturing Co., Inc., (collectively, "Plaintiffs"), by and through their undersigned attorneys, hereby file this Notice of Dismissal without Prejudice. Plaintiffs represent that pursuant to Fed. R. Civ. P. 41(a), no answer or motion for summary judgment has been served upon Plaintiffs.

Plaintiffs seek voluntary dismissal without prejudice of their declaratory judgment action on the basis of a June 1, 2007 letter received from counsel for Defendant Radiotronics, Inc. ("Defendant") acknowledging that Plaintiffs' "new product," *i.e.*, the K-9 Deployment and Heat Alert System, does not employ temperature averaging, which is a key element in Defendant's U.S. Patent No. 7,081,811 (the "'811 Patent"). *See* Letter dated June 2, 2007 from Michael A. Slavin, Esq., attached hereto as **Exhibit 1**. Based on this correspondence, it is Plaintiffs' understanding that Defendant does not assert a claim for infringement of its '811 Patent against Plaintiffs for their K-9 Deployment and Heat Alert System.

Dated this 5th day of June, 2007.

Respectfully submitted,

s/ Lee F. Johnston

Lee F. Johnston

Meshach Y. Rhoades

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**ATTORNEYS FOR PLAINTIFFS RAY ALLEN
MANUFACTURING, LLC AND FWH, INC.,
F/K/A RAY ALLEN MANUFACTURING
COMPANY, INC.**

CERTIFICATE OF SERVICE

I certify that on June 5, 2007, I served a copy of the foregoing document to the following by

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☒ Fax

Michael A. Slavin, Esq.
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s/ Lee F. Johnston

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McHALE & SLAVIN, P.A.

ATTORNEYS AT LAW

U.S. & INTERNATIONAL PATENTS, TRADEMARKS, COPYRIGHTS,
RELATED LICENSING & LITIGATION

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June 1, 2007
Original by U.S. Mail
mrhoades@hollandhart.com

Re: Patent Registration No. 7,081,811
Our Ref. No. 2369U.000004
Civil Action No. 07-CV-01052

Dear Ms. Rhoades:

In receipt of your letter, we were quite surprised that anyone could twist an offer of a license into an allegation of infringement. Apparently Kevin Howard forgot about the inquiries he made to Radiotronics over the last couple of years raising the possibility of Ray Allen re-selling Radiotronics products, or purchasing Radiotronics itself. There is no allegation of infringement made by Radiotronics as to the "K-9 Deployment and Heat Alert System" or one that could even reasonably be implied from the letter offering a license.

Radiotronics fully understands that Ray Allen's new product does not employ temperature averaging. This lower level of protection, and a number of other perceived problems with the device, is what prompted Radiotronics to respond to Kevin Howard's inquiry and offer a license to its patented technology. Radiotronics is primarily concerned that a product not enter the market which could cause injury or death to a K-9.

We trust this letter resolves the issue, as Radiotronic's never made an accusation of infringement nor intended to imply infringement. The offer was made in hopes of preventing injury to K-9's. In any event, Radiotronic's offer of a license is hereby revoked.

We understand you will withdraw the complaint.

Sincerely,

McHALE & SLAVIN, P.A.


Michael A. Slavin

cc: Radiotronics, Inc.

EXHIBIT
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